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JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (BROWN, DENYER AND CRISTOFARO)
NSC FOR LUTES
WINPAC FOR WALTER

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SUBJECT: CWC: WRAP-UP FOR OPCW EXECUTIVE COUNCIL SESSION,
JULY 14-17, 2009 (EC-57)

REF: A. THE HAGUE 437
[1](#)B. THE HAGUE 402 STATE 72671

(U) This is CWC-45-09

SUMMARY

[1](#)1. (SBU) The 57th session of the Executive Council (EC) of the Organization for the Prohibition of Chemical Weapons (OPCW) successfully concluded, and on schedule, with a full day devoted to the presentations by the candidates for Director General (July 15) and major agreement in the Council by the end of the week supporting the Chairperson on his next steps for the selection of the new Director-General. A large number of routine business items were completed. The U.S. request to remove from the agenda notes on technical changes to facility agreements that did not require Council approval resulted in future procedures that will prevent other delegations from continually deferring such agenda items from one session to the next. The issue of U.S. and UK recovered chemical weapons in Iraq was discussed under Any Other Business, with agreement to a British proposal for consultations "at an appropriate time" about a future similar circumstance, rather than an open-ended working group as suggested by South Africa.

[1](#)2. (U) This cable follows the summary overview of EC-57 in Ref A, and details the plenary meetings of the Council with the issues discussed roughly in the order of the agenda. A list of approved, noted and deferred items is at the end of this cable. The DG candidates' presentations will be reported separately, as will the informal meeting on destruction issues July 13, and meetings on the margins of the Council session.

DIRECTOR GENERAL'S STATEMENT

13. (U) The new Chairperson of the Executive Council, Ambassador Jorge Lomonaco (Mexico), formally convened the 57th session of the EC on July 14. The four new vice-chairpersons briefed the Council on the progress of the various clusters since the previous session: Ambassador Pieter de Savornin Lohman (Netherlands) on chemical weapons destruction issues, Ambassador Abuelgasim Idris (Sudan) on the industry cluster of issues, Dr. Hassan Vejdani (Iran) on administrative and financial matters, and Ambassador Kirill Gevorgian (Russia) on legal, organizational, and other issues. Of note, Idris expressed his desire to have a decision on low concentration thresholds for Schedule 2A/2A* chemicals this year, and the Iranian Vice Chairperson welcomed new facilitator Nikolas Granger (U.S.), as well as new budget facilitators Francisco Aguilar (Costa Rica) and Martin Strub (Switzerland)). Facilitator Annie Mari (France) then reported on the Open-Ended Working Group on Terrorism and presented a national paper at the conclusion of her service at OPCW. Lomonaco, who oversees the OEWG on Terrorism, introduced the new facilitator, Mike Byers (Australia).

14. Following the adoption of the agenda, Director-General Pfirter delivered his detailed opening statement covering OPCW activity since the last Council pertaining to chemical demilitarization, verification, international cooperation and

assistance, implementation of Article VII, universality, external relations, and administrative and financial matters.

Highlights included:

- An update on the status of destruction efforts in the United States and Russian Federation, including a description of the current activities at each of the CWDF's in each of the two States Parties.
- A report on his recent trip to the United States, which included the Executive Council representatives' visit to Pueblo and Umatilla, and his meetings with senior politicians and U.S. Government officials in Washington. Pfirter noted and commended the firm assurances by U.S. officials of the strong support of the U.S. for the CWC and OPCW.
- The DG noted Libya's expected request (before the October EC) for an extension of its destruction deadline and the importance of taking prompt action.
- The Technical Secretariat (TS) is planning a meeting in Baghdad between the TS and the Iraqi National Authority to finalize plans for the initial verification visit to the Al-Muthanna and Falluja storage sites.
- A workshop on matters concerning Other Chemical Production Facilities (OCPF) will be held November 25-26, 2009, in The Hague under the chairmanship of Ambassador Medeiros (Brazil).
- The third OPCW exercise on the delivery of assistance (ASSISTEX III) will be held in Tunis, Tunisia on October 11-15, 2010. The DG highlighted several courses that took place since the last Council in the area of international cooperation and assistance.
- On Article VII, 180 States Parties have now met their obligation to notify the OPCW of their designation of a National Authority. Mexico's implementing legislation recently entered into force, bringing the number of States Parties with legislation covering all key areas to 85.
- Regarding universality, the Technical Secretariat conducted a "technical goodwill" mission to Israel. Egypt has agreed in principle to a similar event.

There is no substantive progress to report regarding Myanmar or North Korea.

-- He proposed a new Challenge Inspection exercise for 2010 and encouraged regions that have not hosted such an exercise to volunteer to host it.

-- Stressing the need for member states to pay their assessments in full and on-time, the Technical Secretariat has received sixty-two percent of annual State Party payments as of May 31, 2009.

- The DG unveiled the Draft 2010 Program and Budget the week prior to the Council. He repeated key points in this formal meeting of the EC. The budget encompasses EUR 74.5 million, which represents zero nominal growth compared to 2009. Notable shifts in funding include a 5.6% increase in International Cooperation and Assistance, much of which would go to the Africa Program. Member contributions are forecast to decrease by 0.4 percent.

GENERAL DEBATE

15. (U) Following the DG's statement, the general debate featured many recurring topics, including congratulatory notes for the Bahamas (the 188th State Party), continued efforts for complete universality, and full implementation of Article XI. Many statements touched on the selection process for a new Director-General and the CW destruction timelines in light of recent developments among possessor states, though statements generally fell into two different camps on these two issues.

16. (U) The Non-Aligned Movement (NAM) and China, and the Africa Group in joint statements and in national statements by members of both groups continued to support a more regulated process for selection of the DG, with the African statement expressing concern over the lack of a formal procedure. The European Union, Latin American Group (GRULAC), U.S., Japan and Russia supported the ongoing open selection process under the EC Chairperson, with the U.S. noting that there is no need to develop new rules for a process that already is underway.

17. (U) Many States Parties addressed the looming 2012 destruction deadline and the status of possessor states' progress in meeting that goal. Taking a positive tone, Japan expressed appreciation for the strong commitment of the United States, while the EU stated that possessor states should be mindful of their obligations and make every effort to complete destruction on time. The U.S. provided an overview of its destruction accomplishments to date and its expectation to destroy 90 percent of its stockpile by the 2012 deadline, as well as the Obama Administration's efforts to review options to accelerate destruction.

18. (U) Calling for realism, Brazil indicated that the Council should promote a multilateral discussion on the feasibility of the final 2012 deadline and charge the Chairman with engaging interested delegations on the debate. Iran underscored that preserving the integrity of the Treaty should not be limited to just transparency visits but that the Council should play a key role as the guardian of the Convention. The South African Ambassador (on behalf of the Africa Group) expressed concern at the large quantity of CW that has yet to be destroyed and said that careful consideration should be given to how the OPCW will

manage the inability of member states to meet the 2012 deadline. Furthermore, he remarked that it is essential that no action be taken to undermine the Convention, and that any solution would by necessity need to "maintain pressure" on those States that have yet to meet the destruction deadline. Taking full advantage of its relatively new status as a non-possessor state, India offered to share its experience in destruction technologies with the remaining possessor states and expressed appreciation for the "enormity of the magnitude" of the U.S. destruction obligations, having recently met its own destruction goals ahead of schedule.

¶9. (U) Industry-related issues surfaced in a number of statements, particularly discussions of verification of Other Chemical Production Facilities (OCPF). The EU supported strengthening the industry regime through better focused inspections and noted that the Convention needs to take economic, scientific and technological developments into account. Regarding low concentrations of Schedule 2A/2A* chemicals, Japan stressed that a logical sequence is essential in determining a threshold, but noted that it is flexible in the interest of consensus building. The U.S., on the other hand, commented that a political compromise is unlikely to equate with any state's current threshold. On OPCFs, Brazil noted, that the current proposed OCPF site selection changes would result in a substantial qualitative improvement in the capacity of the TS to select more relevant OCPF sites for inspections. China called for industry verification to be reasonably distributed according to the levels of risk of facilities, while taking full account of equitable geographical distribution. China's statement continued that the 2008 trial methodology concentrated inspections in certain regions of the world. Iran highlighted the need for detailed information on the performance of the interim methodology saying the current information was insufficient.

¶10. (U) The majority of India's statement was devoted to two technical industry issues: additions to the OPCW's chemical analytical database (OCAD) and the two proposals regarding the enhancement of OCPF declarations. India borrowed heavily from its non-paper on the inclusion of non-Scheduled chemicals in the OCAD in its critique of OCAD additions, and stressed concerns with the TS use of voluntary State Party submissions of additional declaration data.

¶11. (U) Serbia announced that it held a course on Article X Assistance and Protection, noting the course was a practical tool to exchange views and assess state needs. Brazil announced the First Regional Assistance and Protection course on chemical-Emergency Response took place successfully in Brasilia 24-29 May 2009, including 13 States and included the TS. Iran called for adequate resources to be provided to the OPCW to enable it to respond to States Parties requesting assistance and protection against chemical weapons. Saudi Arabia and Sri Lanka noted the contribution the CWC makes in combating terrorism especially in the context of enhancing international cooperation for peaceful purposes. Nigeria noted the need for the OPCW to rise to the challenge of terrorism and to be prepared to assist States Parties in the event of an attack, and cited the importance of the assistance program such as ASSISTEX 3 scheduled for October 2010 in Tunisia. Bosnia and Herzegovina stated that the Ministry of Foreign Affairs and OPCW held a seminar on non-proliferation and indicated that its intention was to take a holistic

approach to WMD nonproliferation and Counter Terrorism.

¶12. (U) Iran opened with a strong description of Iraqi bombing of Sardasht in 1987 and noted its reference was to serve to strengthen the Members' will to pursue Organizational goals efficiently. Iraq replied that CW was used against many martyrs in Iraq in Halabja and that event was a motivation for joining the CWC. Iraq also noted that it would provide the TS with its destruction plan soon.

¶13. (U) A few States Parties commented on the U.S. and UK destruction of recovered CW in Iraq. The Russian Federation reserved the right to return to the issue, while the Africa Group commented that the negotiators of the Convention had not foreseen such a circumstance. South Africa (through the African Group statement) called for the Council, U.S. and UK to develop agreed procedures that would apply to such a situation in the future. (Del note: This was discussed further under "Any Other Business" -- see below.)

VERIFICATION PLANS AND FACILITY AGREEMENTS

¶14. (SBU) On July 14, Iran tried to defer the three TS notes regarding technical changes to fourteen U.S. facility agreements for CWDFs, Schedule 1 facilities and CWSFs. The U.S. countered that the agreements did not require Council action but were submitted for its information as a transparency measure. When the agenda item came up again on July 16, the U.S. Rep requested removal of the items from the agenda; Iran objected as they had not received instructions from Tehran. South Africa expressed concerns that the move by the U.S. might set a poor precedent while the DG noted that no action was required by the Council. Germany suggested in future practice that the TS list such agenda items as being submitted for information only. After an hour of debate, Chile expressed frustration and made a formal request for the Secretariat to provide the cost per minute of EC debate including overhead. When compromise report language was suggested by Ireland, Iran joined the Council in recording the U.S. request to remove these items from the agenda for the next session of the Council.

CONVERSION OF CHEMICAL WEAPONS PRODUCTION FACILITIES

¶15. (SBU) South Africa requested discussion of the TS guidelines on continued verification for converted chemical weapons production facilities ten years after the DG's certification of their conversion before consideration of a draft decision on the matter. Dutch Ambassador Lohman, Vice-Chairman for the issue, offered to meet with interested delegations.

¶16. (SBU) The UK requested deferral of the CWPf at Portreath, due to new information on the facility that would shortly be reported to the TS. Lohman held one discussion with a handful of delegations, but both items were deferred to the next session of the Council. (Del comment: The UK delegate said later that Russian objections are focused on cost, while the UK wants each facility to be considered on a case-by-case basis rather than the "one size fits all" approach of the TS

guidelines).

DESTRUCTION DEADLINES AND EC VISIT TO THE U.S.

¶17. (SBU) During the discussion of the 90-day destruction reports, India questioned that local laws could trump an international convention and offered its willingness to share its heel technology to assist in chemical demilitarization activities. Iran requested deferral of the US 90-day report to the next EC, to which the U.S. responded that the U.S. report should be considered with all other 90-day reports. Delrep noted that the report was simply providing progress on destruction during the reporting period and should be noted during the current session. Later, the Iranian delegate approached Delrep to ask whether the "chapeau" language used for the 90-day reports in previous Council sessions (emphasizing "the timely commencement of destruction activities at all chemical weapons destruction facilities") was acceptable. With that language, Iran agreed to note the U.S. report with all of the others.

¶18. (SBU) When the report on the Executive Council visit came up for discussion on July 14, South Africa noted that it did not have any issue noting the report but that it would like to insert report language in the final EC report. There was no further discussion and the Chairperson gaveled through the agenda item noting the report. Iran then indicated it misunderstood the Chairperson's intention. Lomonaco held to the Council's action as completed, to note the report when it was gaveled through. When Chile and Costa Rica objected to reopening the item, the U.S. offered to meet with any delegation that had questions concerning the U.S. destruction program. After repeated push-back from the Iranian delegation on what had occurred procedurally, the Secretariat, in a highly unusual move, indicated it would revisit the video recordings to ensure that the Chairman had indeed posed the question of whether the Council wanted to note the report-- the first "instant replay" in historical memory at the OPCW.

¶19. (SBU) On the final day of the Council (July 17), Iran requested and took the floor to return to the adoption of the report of the Visit to the Pueblo Chemical Agent Destruction Pilot Plan, Colorado and the Umatilla Chemical Agent Disposal Facility, Oregon. The Iranian delegate reiterated that he had been confused by the proceedings earlier in the week and that there was insufficient time to review the document. Chairperson Lomonaco inquired as to whether the parties that had objected would withdraw their objections. Chile withdrew its objection. Costa Rica was absent (reportedly by design). Lomonaco then asked the Council for any other objections. When no objections were made, he re-opened the agenda item on the EC visit report, and Iran requested deferral to the next session. That also found no objections, although it eliminated the possibility of South Africa's report language, which that delegation had been working actively in the corridors.

ARTICLE XI

¶20. (U) The Council welcomed Chen Kai (China) as the new facilitator for Article XI issues. During the final review of the report for EC-57, Cuba offered report language on the agenda for Article

XI and its 2008 proposal for a workshop. The UK raised an objection to new material being brought into the final report that had not been discussed, with the U.S. adding concern about decisions being taken through report language rather than agreed in plenary debate. Cuba explained that the suggested language came from past EC reports and from a number of statements in the General Debate. The EC agreed to the language being added to the report.

DESIGNATED LABORATORIES

¶21. (U) France raised questions about the contents of the TS Note on Designated Laboratories. Russia requested that the document be deferred. The United States stated that, although the document raises some practical questions, it could be noted. There was a lengthy discourse between Iran and the Technical Secretariat on how the procedures for off-site analysis of samples were established. Iran stated that even though they do not have a national laboratory, they would be interested in contributing to the development of procedures. TS Verification Director Reeps stated that only designated labs can participate. In this instance, those that participated in the last proficiency test coordinated on the document. Although the TS is currently seeking comments on the document, the TS can only accept comments from certified labs. The TS document was ultimately deferred.

ADMINISTRATIVE AND FINANCIAL MATTERS

¶22. (U) Most of the routine administrative reports were noted. However, Iran and South Africa raised objections to the DG's report on implementation of the tenure policy in 2008. Both delegations stated that additional information had previously been requested in the report that had not been added. The Director General himself responded with a long oration about the regulatory framework under which he operates in providing the information, as well as privacy concerns for the staff. He stated that, unless the Conference of States Parties decides to have information on nationalities of staff included in published reports, he would not provide it. Delegations could request privately statistics on staff that they were interested in. The Convention itself emphasizes the qualifications of staff and does not instruct the DG to hire based on country of origin, although geographical diversity is considered. The DG advised countries that would like to have more of their nationals working at the OPCW to encourage qualified applicants to apply.

DATES FOR 2010 COUNCIL MEETINGS

¶23. (U) China requested that the dates for EC-59 in February 2010 be moved due to the Chinese New Year holiday. The U.S. supported the request. Approved dates for the 2010 Executive Council sessions are:

EC-59 February 23-36
EC-60 April 20-23
EC-61 June 29-July 2
EC-62 October 5-8.

It was noted that CSP-15 will take place November 29 to December 3, 2010.

SELECTION OF A NEW DIRECTOR GENERAL

¶24. (SBU) On Thursday afternoon (July 16), following the candidates' presentations the day before, Chairperson Lomonaco opened the discussion of the selection of a new Director-General stating that he had conducted extensive consultations with States Parties and regional groups and had taken into consideration their ideas and written proposals. He then distributed his personal statement on next steps toward finding a consensus candidate. Lomonaco's "road map" includes a period of reflection during the summer break for delegations and their capitals to evaluate the various meetings with the candidates, including their presentations to the EC, and to assess the candidates' qualifications and priorities for the position. Beginning in September, Lomonaco will consult actively with delegations to determine preferences and to start narrowing down the field of candidates. He announced that he would be available in The Hague as early as August 4 to meet with interested delegations.

¶25. (SBU) Lomonaco will use a series of consultations, "confessional meetings" and, as appropriate, straw polls, to identify trends to

discuss with the candidates or their representatives. This would allow candidates to reassess their standing, with a view to some withdrawing. He would use voting as a last resort, either in informal balloting to reduce the number of candidates, or a formal vote in the Council as the final stage of the process if no consensus candidate emerges.

¶26. (U) Lomonaco hoped that his statement would be noted, but said that Council action was not necessary, as this was his personal statement. Eighteen States Parties from the Western, Eastern European, African and Asian regions took the floor, thanking the Chairperson, welcoming his emphasis on seeking consensus, and supporting his road map. South Africa, Russia, China and Pakistan indicated that they wished to study the statement before noting it, and Lomonaco agreed to allow a short discussion of the agenda item the next morning.

¶27. (U) On the final day of the session, the South African Ambassador agreed to note the Chairperson's statement. Nigeria also expressed support for the statement. With no further comments, the Council noted the statement.

ANY OTHER BUSINESS -- RECOVERED CW IN IRAQ

¶28. (SBU) Following South Africa's statement in the General Debate on the chemical weapons destroyed in Iraq prior to its accession to the CWC, both the UK and U.S. delegations held bilateral discussions with South African Ambassador Peter Goosen. Goosen said he wished to work toward filling the "gap" in the Convention for future such instances, since the CWC does not cover situations of conflict in a non-member State. He also made clear that he thought there should be a working group on the issue.

¶29. (SBU) The UK decided to make a statement under "Any Other Business" and the U.S. followed suit. The two delegations met together with the South African delegation on July 17 to discuss possible report language. In an effort to fend off the South African proposal for a working group, the UK offered milder report language on "consultations,

as appropriate." South Africa intervened to say that such consultations should begin as soon as possible, but that South Africa would not be available to chair the effort. Clearly not catching the future orientation and theoretical bent of the British language, Russia noted that they were still carefully monitoring the destruction of recovered rounds in Iraq by the U.S. and UK and that further information on the matter would be needed.

¶30. (U) Iran requested written copies of the U.S. and UK statements to the Council before agreeing to the report language on the matter.

¶31. (U) The Council session ended at 1300 hours, a record in recent memory.

ITEMS APPROVED

¶32. (U) The following agenda items were approved:

EC-57/DEC/CRP.5 - amendments to the verification plan for destruction at Maradykovsky, Russian Federation.

EC-57/DEC/CRP.2 - amendments to the verification plan for destruction at Ruwagha and Rabta, Libya.

EC-57/DEC/CRP.4 - modifications to the facility agreement with the Russian Federation regarding on-site inspections at Maradykovsky.

EC-57/DEC/CRP.6 - revisions to the specifications for two items of approved inspection equipment.

EC-57/DEC/CRP.3 - removal of data recommended for removal from the Central Analytical Database.

EC-56/DG.3 - note by the Director-General on the reclassification of posts.

EC-57/S/7 - appointment of Mr. Ali Gholampour (Iran) to the Advisory Body on Administrative Affairs.

EC-57/DG.7 - report by the Director-General on the credentials of representatives of members of the Council.

ITEMS DEFERRED

¶33. (U) The following documents were deferred:

EC-57/DEC/CRP.1 - proposal for general guidelines on the nature of continued verification measures at converted chemical weapons production facilities.

EC-53/S/1 and EC-53/DEC/CRP.1 - verification for Portreath, UK, certification of conversion and draft decisions (withdrawn from consideration by the Council for revision).

EC-57/12 - report on the visit to Pueblo and Umatilla.

EC-57/S/3 - content of the assistance and protection databank and its use.

EC-53/S/5 and EC-53/DG.11 - characteristics of plant sites in other chemical production facility declarations and enhancement of declarations.

EC-55/DG.8 - report by the Director-General on site

selection methodology.

S/773/2009 - note by the secretariat on electronic submission of annual declarations.

EC-57/DG.5 - note by the Director-General regarding off-site analysis and confidentiality.

EC-57/CRP.1 - draft report of the OPCW for 2008

EC/57/S/1 - note by the secretariat on the continued inclusion of derivatives in the Central Analytical Database.

EC-57/DG.4 - report by the Director-General on the implementation of the policy on tenure.

ITEMS NOTED

134. (U) The Council noted the following documents:

EC-57/DEC/CRP.4 - modifications to the facility agreement with Libya regarding on-site inspections.
EC-57/NAT.1 - Libya national paper on status of destruction obligations.

EC-57/NAT.2 - U.S. national paper on status of destruction obligations.

EC-57/HP/NAT.2 - India national paper on status of destruction obligations.

EC-57/P/NAT.1 - Russia national paper on status of destruction obligations.

EC-57/NAT.4 - China national paper on status of chemical weapons abandoned by Japan.

EC-57/NAT.3 - Japan national paper on current status of abandoned chemical weapons projects in China.

EC-57/HP/DG.1 - 2008 Verification Implementation Report and chairperson's summary of consultations.

EC-55/DG.13 - Director General's report on the status of implementation of Article XI.

EC-57/DG.8 - report by the Director-General on timely submission of declarations.

EC-56/DG.6 C-14/DG.3 - report of the office of internal oversight.

EC-54/DG.14 - note by the Director-General on a long-term mechanism for the management of risks associated with currency exchange rates.

EC-57/DG.12 - report by the Director-General on the introduction of International Public Sector Accounting Standards.

EC-57/DG.1 - report of the Security Audit Team V.

ABAF-26/1 - report of the Advisory Body on Administrative and Financial Matters.

SAB-13/1 - report of the thirteenth session of the Scientific Advisory Board

EC-57/DG.14 C-14/DG.5 - note by the Director-General in response to the report of the Scientific Advisory Board.

135. (U) BEIK SENDS.
GALLAGHER